City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2400381

Applicant Name: Rachel Ben-Shmuel for Seattle Popular Monorail Authority

Address of Proposal: 3598 West Marginal Way SW

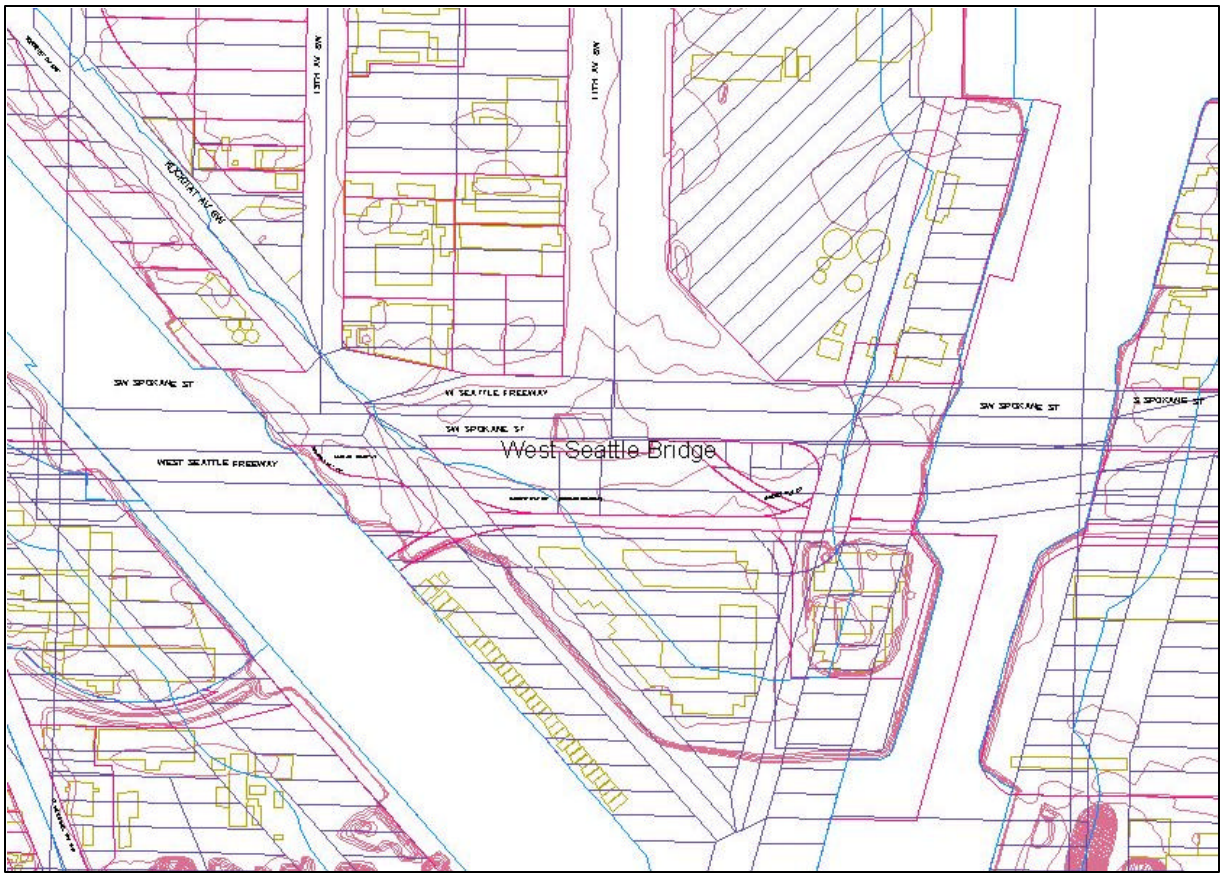
SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of 2,410 linear feet of monorail transit guideway above an existing bridge roadway (West Seattle Bridge). The construction includes the addition of a guideway structure supported by columns that are attached to the existing structural supports for the West Seattle Bridge. A new straddle bent column, located approximately 150 feet east of the ordinary high water mark for the East Waterway, will be required to support the guideway.

The following approvals are required:

- **Substantial Shoreline Development Permit, Seattle Municipal Code (SMC) Chapter 23.60**
- **Approval of a Monorail Transit Facility, SMC Chapter 23.80**
- **SEPA - for conditioning only – Seattle Municipal Code (SMC) Chapter 25.05.660**

BACKGROUND DATA



The Seattle Popular Monorail Authority (SMP) is proposing an addition to the existing West Seattle Bridge (WSB) as part of the SMP's Green Line. For purposes of this document, the entirety of the additions will be referred to as the "proposal," the "project," the "WSB Crossing," or the "Crossing." The proposal will allow the addition of a guideway and related structural supports on the deck of the WSB. To accommodate this structure, structural support will be used to upgrade the existing WSB on the existing columns and the bridge deck. Among the structural supports will be a straddle bent structure located within the shoreline zone and supported by a column in the median of SW Spokane Street as well as on an existing column on the WSB. The guideway structure will be located within the median of the existing bridge. The bottom of the guideway will be approximately 25 feet above the deck of the WSB, with the guideway structure rising an additional 8 to 10 feet. To facilitate construction, SMP has identified staging areas that are also within the shoreline zone. Staging areas for the project would include areas for storage and distribution of materials, parking, and other incidental uses related to construction of the project. Four staging areas have been identified in the application materials for this project, based on alternatives and impacts disclosed and analyzed in the Final Environmental Impact Statement prepared March 10, 2004 (FEIS), as follows:

Staging Area	Size	Location
B	1.411 acres	Adjacent to WSB Pier 15
C	0.749 acres	Adjacent to WSB Pier 17
D	0.720 acres	Adjacent to WSB Pier 24
E	1.700 acres	Adjacent to WSB Pier 27

To accommodate construction activities, several temporary, in-water structures will be required, including pile-supported trestles and other similar structures. This work would include modification to existing in-water support piers/columns that would occur over the East Waterway as well as work to augment structural support to the bridge over the West Waterway. In addition, SMP anticipates using barges to accommodate in-water construction activities, including storage of materials and a crane. No new permanent in-water structures are anticipated. A new straddle bent column, located east of the ordinary high water mark for the East Waterway, will be required to support the guideway. The foundation for the north column supporting the straddle bent will be located at grade. The foundation for the south column supporting the straddle bent will be located on top of the existing WSB bridge deck. SMP anticipates that construction activities will occur over approximately one year, but that this might be modified to respond to proposed habitat protection measure to address protected species.

Public Comment

The comment period began on April 1, 2004 and ended May 1, 2004, as required for shoreline permits. A comment letter was submitted during this time period from the Muckleshoot Indian Tribe. Issues in this letter include the appropriateness of the proposed mitigation, including out-of-basin mitigation for impacts of fish habitat and concern about the timing and likelihood of mitigation being completed. Comments were also provided by the Port of Seattle to address issues with construction-related impacts to the land- and marine-based transportation system at or near the Port's Harbor Island facilities. Comments were also provided by OnTrack, a group of property owners, residents and tenants along the Green Line. OnTrack raised concerns regarding the timing of the permit in relationship to approvals required by the City Council, the timing of Design Guidelines to evaluate the project, the use of an Environmental Impacts Statement and the requirements for potential additional studies and/or environmental documents prior to the City exercising its substantive SEPA authority under SMC 25.05.600.

ANALYSIS – MONORAIL TRANSIT FACILITIES

As part of the Master Use Permit process detailed in SMC 23.76, approval of a monorail transit facility is a Type 2 decision. The following is an analysis of the code sections of SMC Chapter 23.80 applicable to monorail transit facilities:

1. Monorail transit facilities necessary to support the operation and maintenance of a monorail transit system are permitted in all zones within the City of Seattle, except that a monorail operations and/or maintenance center is prohibited in a residential or neighborhood commercial zone. Any commercial use over two hundred (200) square feet as part of a monorail transit station is prohibited unless otherwise permitted in the underlying zone.

The portions of the WSB Crossing under this permit meet this requirement.

2. The Director may approve a monorail transit facility, pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, only if the horizontal and vertical alignment and locations of the monorail guideway, monorail transit stations, and monorail operations center have been approved by the City Council by ordinance or resolution. The City Council may also approve the horizontal and vertical alignment and location of other monorail transit facilities.

The City Council passed Ordinance 121500 approving the vertical and horizontal alignment of the entire Green Line on June 14, 2004.

3. The Director shall review for approval all monorail transit facilities, except monorail guideways, which must be reviewed for approval by the Director of Transportation pursuant to the procedures of Title 15, provided that for any monorail transit facility or portion thereof subject to review pursuant to Chapter 23.60, the Director shall conduct the review required by that chapter.

The scope of this permit addresses both shoreline permitting (under SMC Chapter 23.60) and environmental review of the WSB Crossing. Other approval of the WSB Crossing (as a "monorail guideway") will occur by the Seattle Department of Transportation, prior to this issuance of construction permits. .

4. A Master Use Permit is not required for minor alterations of monorail transit facilities involving no material expansion or change of use, and other minor new construction at monorail transit facilities that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.

Not applicable.

5. Waiver or modification of development standards.

a. Where necessary to achieve consistency with the terms of the City Council's approval of the monorail transit system, development standards, including but not limited to, height, setbacks, yards, landscaping, or lot coverage, may be waived or modified, provided that height may be waived only for the monorail guideway or monorail transit stations and not for any other monorail transit facilities, and further provided that height of monorail transit stations shall not exceed sixty-five feet (65') or the height limit in the underlying zone, whichever is greater.

b. To promote consistency with any monorail transit system-specific design guidelines to be developed by the City and a city transportation authority and approved by the City Council by ordinance, development standards other than height may be waived or modified.

c. Development standards may be waived or modified under this subsection only for structures or portions of structures that are devoted to a use directly associated with operation of the monorail transit facility and not for other portions of the structure unrelated to the monorail transit use.

No development standards are waived for this proposal.

6. The Director may impose reasonable conditions:

a. Where necessary to achieve consistency with the terms of the City Council's approval of the monorail transit system; or

b. Pursuant to Chapter 25.05 to lessen identified impacts caused by the monorail transit facilities; or

c. To ensure consistency with any monorail transit system-specific design guidelines to be developed by the City and a city transportation authority and approved by the City Council by ordinance.

City Council Ordinance 121446, passed by the Council on April 19, 2004, adopts Design Guidelines that apply, among other things, to the design of any bridges associated with the Green Line. The design of the WSB Crossing has been review by the City's Monorail Review Panel, with comments provided to the SMP that address design issues of the WSB Crossing. Further meetings are anticipated to address design development of the structure concurrent with reviews by Seattle Department of Transportation for guideway permitting requirements under SMC 15.54.

ANALYSIS – SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT

The following will include an analysis of the general development standards that pertain to all uses in the shoreline, with additional analysis for each relevant shoreline designation.

General Development Standards

Pursuant to SMC 23.60.152, all uses and developments shall be subject to the following general development standards:

A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

The FEIS included a mitigation program that includes a series of general and site specific water quality measures, including requirements for Temporary Erosion Control plans along with site specific practices at the project site. In addition, the applicants have submitted and received approvals from state and federal agencies concerning both mitigation measures and Best Management Practices to address stormwater runoff during and after construction, removal of terrestrial and aquatic soils during construction, erosion control practices during and after construction and measures to protect water quality during and after construction. These approvals are included in the following permit documents:

- Hydraulic Project Approval, Washington Statement Department of Fish and Wildlife, dated June 10, 2004
- National Pollutant Discharge Elimination System, Waste discharge permit, Washington State Department of Ecology, dated June 30, 2004
- ESA Section 7 consultation approval, NOAA Fisheries and US Fish and Wildlife Service dated June 10, 2004

Because only one portion of the project is subject to shoreline permit requirements, additional reviews of the WSB Crossing will continue to occur by other City departments, including Seattle Department of Transportation and Seattle Public Utilities. Compliance with relevant City codes will be required, including the City's Stormwater Ordinance to ensure that all waters are protected. Finally, prior to any approval by the US Coast Guard and any commencement of construction, WSDOE must certify that there is reasonable assurance that the project will meet all water quality standards.

Because imposition of these other federal, state and City requirements will be adequate to address water quality and quantity issues, the Director is not including additional conditions targeted at those issues in this decision.

C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.

Not applicable.

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

As part of the mitigation program in the FEIS, other application materials and technical memoranda were submitted to DPD by SMP that assess the amount of pollutants that will be deposited in the Ship Canal and Salmon Bay due to runoff from the guideway and related structures. These technical memoranda analyze the type, nature and extent of pollutants, in particular zinc, copper and other heavy metals that will be contained in runoff. In addition, information in the Biological Assessments provided with the application materials shows that some sediment in these affected waterways exceed state standards. To further protect water quality, the applicants shall incorporate in the Construction

Management Plan (discussed in SEPA review, below) elements of the Stormwater Pollution Prevention Plan (SWPPP) to address best management practices to minimize pollutant loading in sediment at the Ship Canal that is associated with construction activity. Additionally, SMP is required to meet water quality and sediment standards, as is required in the NPDES permit referenced above.

E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

See response to subsections A and B above.

H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

As part of the review of the SMP Green Line presented to Washington State Department of Fish and Wildlife (WDFW), NOAA Fisheries, the United States Department of Fish and Wildlife Services (USFW) and the Washington State Department of Ecology (WSDOE), a mitigation program entitled "Proposed Compensatory Mitigation Plan for Impacts to Aquatic Resources Functions Associated with the Preferred Alternative for the Green Line" (also called the Salmon Bay Natural Area Project) was developed and proposed by SMP, and accepted by the Services and required by WDFW as a condition of its Hydraulic Permit Approval (HPA). Before WSDOE accepts this program, WSDOE will require additional review. In addition to the requirement for the donation of $150,000 for mitigation of permanent structures associated with the Ballard Crossing, the program provides $75,000 to compensate for the use of temporary in-water structures needed during construction. This additional funding is slated for use for both the Ballard Crossing MUP referenced above as well as the temporary in-water structures needed for construction of the West Seattle Bridge Crossing. The total funds provided under this compensatory plan would be for habitat restoration at the Salmon Bay Natural Area and would be paid to Seattle Public Utilities.

DPD recognizes that SMP intends to enter into an agreement with Seattle Public Utilities, which is the sponsor of the Salmon Bay Natural Area Project, relating to the implementation of the Project. The

monetary contribution of SMP to the funding of the Salmon Bay Natural Area Project is appropriate and sufficient mitigation for this proposal, so long as SMP also funds a monitoring and restoration plan, as described herein:

1. The agreement with Seattle Public Utilities shall provide for the creation of near-shore and in-water habitat for protected species. The plan should include:

    a) A location map
    b) Goals and objectives
    c) Performance standards
    d) A planting schedule
    e) A site plan
    f) Site preparation and planting methods
    g) A maintenance program
    h) A monitoring program to evaluate the success of the plan in establishing habitat for protected species

2. The monitoring program should be designed and implemented as a component of the compensatory mitigation plan in order to evaluate the success of the plan to offset the anticipated temporary and permanent impacts of the Ballard and Duwamish Crossings. This monitoring program shall occur at years one, two, three and five, post-project construction. SMP may either implement the monitoring program itself based on a workplan that is acceptable to SPU and DPD and provide the results to both departments or may pay SPU for the cost doing so. If SMP elects to pay SPU, the cost to SMP shall not exceed $35,000 per year for four years payable at the time this Plan is accepted. Monitoring should take place during the period when juvenile salmon, especially Chinook salmon are expected to use the site and shall be a replicate of the baseline monitoring that SPU has funded entitled Memorandum of Agreement Between the City of Seattle and the University of Washington for Salmon Bay Natural Area Aquatic Monitoring SPU Agreement No. DA2004-01.

SMP's agreement with Seattle Public Utilities shall provide that the funding provided by SMP shall revert to SMP in the event that construction of the Project does not commence within three years of this authorization. SMP shall thereafter within six months develop an alternative compensatory mitigation plan with monitoring that provides sufficient aquatic benefits to fully offset the temporary and permanent effects of the Ballard and Duwamish Crossings. SMP shall seek the approval of the relevant state and federal fishery and water quality agencies, and DPD, and shall proceed with implementation upon receipt of all necessary approvals and authorizations.

I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

Because the Duwamish River is not a naturally occurring body of water, this section is not applicable.

J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

The Green Line is a permitted use in the zones where it crosses. Hence, the WSB Crossing is also permitted. The location and dimensions of the guideway on the bridge are designed to minimize impacts on surrounding land uses by not creating additional in-water or land based supports, except where necessary to allow the transition from the bridge to a separate elevated guideway. The design of the guideway and related structures will allow the continued use of the Duwamish River navigation channels by maritime vessels.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

The proposal includes construction staging at one or more of four possible staging areas within the shoreline zone. Permits from state, regional and federal agencies require that the project protect vegetation within the shoreline zone during construction, minimize grading and removal of vegetation during construction and restore vegetation following completion of the project. SMP's plans did not include a landscape plan, vegetation management plan or other related plans that assess the impacts on any existing vegetation at these sites, how any vegetation would be maintained during construction or the creation of new vegetation following completion of construction activities. Prior to the issuance of a building or construction permit, SMP must submit to the Department of Planning and Development (DPD) a landscape plan that meets the standards of this code section and the requirements from other permitting agencies. DPD will not issue a building or construction permit for the WSB Crossing unless DPD has first approved this plan.

L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

The WSB will be designed to ensure safe passage and structural stability, following permit review by SDOT, Seattle Fire Department and other permitting agencies.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

The scope of work does not require any of these structural supports.

N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

See response to subsections A and B above.

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

The placement of all temporary structures for construction activities appears to be designed to allow for continued use of the waterway for navigation and other water-related or water-dependant activities, following final consultation with the US Coast Guard requirements.

P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Not applicable.

Q. Submerged public right-of-way shall be subject to the following standards:

1. All structures shall be floating except as permitted in subsection Q2 below;
2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;
3. The maximum height of structures shall be fifteen feet (15');
4. Structures shall not occupy more than thirty-five (35) percent of the right-of-way and shall not occupy more than forty (40) percent of the width of the right-of-way;
5. A view corridor or corridors of not less than fifty (50) percent of the width of the right-of-way shall be provided and maintained; and
6. An open channel, unobstructed by vessels or structures for access to and from the water for public navigation and for access to adjacent properties shall be maintained.

Not applicable.

R. Within all Shoreline Districts, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of Single-family zones or density standards of other zones.

Not applicable.

In addition to the general shoreline standards listed above, the proposal is also located in the Urban General and Urban Industrial shoreline environments. The following is an overview of the impacts of the proposal on each environment, based on relevant code language.

Urban General Environment

A portion of the development area is west of the West Waterway on dryland. This portion of the site, primarily to the south of the WSB, is located in the Urban General (UG) Environment. This portion of the development area is designated for a possible staging area for construction-related activities.

SMC 23.60.780 Uses permitted outright on waterfront lots in the UG Environment.

Bridges are permitted outright as a principal use in this environment.

SMC 23.60.812 Height in the UG Environment.

Bridges may exceed the maximum height limit.

SMC 23.60.818 Regulated public access in the UG Environment.

The development of public access in conjunction with this proposal would not meet the criteria listed above due to the proximity of the project to harbor areas and navigable waters not abutting dry land.

Urban Industrial Environment

The majority of the lands affected by the project are located in the Urban Industrial (UI) environment. These lands include both submerged and dryland portions in and over the West and East Waterways, as well as dryland portions on either side of the waterways within the shoreline environment.

SMC 23.60.840 Uses permitted outright on waterfront lots in the UI Environment.

Bridges are a use permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

SMC 23.60.872 Height in the UI Environment.

Bridges may exceed the maximum height limit.

SMC 23.60.882 Regulated public access in the UI Environment.

The WSB falls within the exceptions to the requirement.

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

The SMP, as lead agency, in conjunction with the US Coast Guard, has disclosed the environmental impacts of the proposed attachment of the guideway to the existing West Seattle Bridge as part of the FEIS. The FEIS includes information on three different alternative bridge crossings/locations. The preferred alternative chosen in the FEIS is essentially the same as the project identified in the application materials for this project. The Director will therefore use the FEIS. The information in the FEIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

SMC 25.05.660 allows for conditioning of a project to "mitigate the environmental impact" based upon "mitigation measures...related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal". In addition, the City may also rely on the analysis and mitigation program from other federal, state or local agencies if the City finds that said analysis and mitigation provides "adequate analysis of and mitigation for the specific adverse environmental impacts of the project action…, the City as lead agency shall not impose additional mitigation…"

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is presented below.

Short - Term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment;
- increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Environmental Critical Areas (ECA) ordinance and Director's Rules (DR) 3-93 and 3-94 regulate development and construction techniques in designated ECAs. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Compliance with PSCAA regulations will mitigate the potential adverse short term impacts to air associated with new construction. This compliance is documented in the FEIS under Section 4.17, along with mitigation for those impacts. Therefore, no further mitigation pursuant to SEPA policies in SMC 25.05.675A is warranted.

Construction Impacts

SMC 25.05.675B provides policies for the limitation of construction related impacts. In addition, there are several City codes that will provide authority to evaluate and address impacts of the project, including the City's ECA ordinance, the Stormwater, Grading and Drainage Control Code and the City's Shoreline Code. Consistent with SMC 25.09.100, soils engineering studies are required prior to issuance of a building permit for the project to determine the physical properties of the surficial soils, especially the thickness of the unconsolidated deposits, and their liquefaction potential. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used.

The FEIS for this project included review, analysis and mitigation of construction related impacts. The FEIS mitigation program provides for general and site specific construction related impacts. However, due to the sensitive nature of the project resulting from its location, a site specific plan documenting all construction related impacts must be provided.

Therefore, pursuant to the City's SEPA authority under SMC 25.05.675B, the applicant shall prepare a Construction Management Plan to address mitigation of impacts resulting from all construction activities at this site. The Plan shall include a discussion of management of construction related noise arising from all associated impacts, including noise produced from over water work, noise and transportation impacts associated with hauling of materials and movement of any spoils, parking locations needed to accommodate worker parking, efforts to mitigate noise impacts and community outreach efforts concerning likely impacts and mitigation efforts. The Plan must also address impacts related to all operations associated with the Port of Seattle's Harbor Island facilities, including impacts to the following:

1. East Marginal Way Grade separation project
2. Access between Spokane Street Viaduct, surface Spokane Street and Harbor Island
3. Minimizing lane closures on the East Duwamish Waterway bridge
4. Impact on Level of Service on surface Spokane Street due to detour traffic from WSB
5. Emergency access to Terminal 102
6. Railroad access to Harbor Island
7. Location of all temporary or permanent structures as they relate to access to and from Harbor Island activities
8. Impacts on marine traffic
9. Impacts to public access areas within the immediate construction area

The Plan may also be incorporated into any Construction Management Plans required to mitigate any short term transportation impacts that result from the project. The development of such a plan will likely mitigate the adverse construction related impacts anticipated under SMC 25.05.675B.

Archeological/Cultural Resources

Because a portion of the proposal site is located with the identified U.S. Government Meander Line, the potential exists for discovery of previously unknown archeological significant resources. DR 2-98 provides clarification of the SEPA Historic Preservation Policy for potential archeologically significant sites (SMC 25.05.675.H) and requirements for archeological assessments. Therefore, in the event such resources are found during construction, the proposal will be conditioned pursuant to DR 2-98 and as noted at the end of this report. Upon execution of the National History Preservation Act, Section 106 Memorandum of Agreement (MOA) which will be signed by the United States Coast Guard, Advisory Council on Historic Preservation, State Historical Preservation Officer and the Mayor of the City of Seattle, the specific terms of the MOA will be followed with regard to the treatment of archaeological finds. The MOA addresses the requirements of the above referenced DR 2-98.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal, and include:

- impact on the existing and/or anticipated industrial and commercial uses in the vicinity of the project;

- increased height, bulk and scale on the site;
- increased ambient noise due to operations of the system;
- increased demand on public services and utilities;
- increased light and glare; and
- increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, due to the scale and nature of the proposal, potential impacts warrant further analysis.

Public View Protection

SMC 25.05.675P provides policies that protect certain views from certain viewpoints and corridors of "significant natural and man-made features," including the downtown, Elliot Bay, Mount Rainier, and the Olympic and Cascade Mountains. Views of downtown, Elliott Bay and Mount Rainier are available from the West Seattle Bridge and would be partially obstructed by this project. As part of the analysis provided in the FEIS, along with supplemental documentation during this permit review, schematic drawings and other information were developed to analyze what, if any, impacts on these views would be caused by the WSB Crossing. Although views will be altered by the WSB Crossing, the height of the guideway structure, coupled with the proposed structural supports for the guideway, suggest that the protected views will not be substantially affected. However, the presence of the WSB Crossing in this view corridor will result in impacts that should be mitigated. Accordingly, the project is conditioned under SMC 25.05.675P to develop design details that provide additional visual interest along the portions of the WSB Crossing visible from the existing WSB. This condition may be fulfilled through review by the City's Design Commission, City of Seattle Monorail Review Panel or other successor body empanelled under SMC 23.80 or 23.41.004.

CONDITIONS – SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT

Prior to the issuance of a Building or Grading Permit

1. For each staging area, SMP must submit to the Department of Planning and Development (DPD) a landscape plan that meets the standards and intent of the Shoreline Code, including SMC 23.60.152K, as well as all requirements and regulations from other permitting agencies. DPD will not issue a building or construction permit for the WSB Crossing unless DPD has first approved this plan.

2. SMP shall implement its proposed Compensatory Mitigation Plan through an appropriate agreement with Seattle Public Utilities, which is the sponsor of the Salmon Bay Natural Area Project. The agreement shall provide for:

A. The creation of near-shore and in-water habitat for protected species. The plan shall include:

1) A location map
2) Goals and objectives
3) Performance standards
4) A planting schedule
5) A site plan
6) Site preparation & planting methods
7) A maintenance program
8) A monitoring program to evaluate the success of the plan in establishing habitat for protected species at the site.

B. The monitoring program should be designed and implemented as a component of the compensatory mitigation plan in order to evaluate the success of the plan to offset the anticipated temporary and permanent impacts of the Ballard and Duwamish Crossings. This monitoring program shall occur at years one, two, three and five, post-project construction. SMP may either implement the monitoring program itself based on a workplan that is acceptable to SPU and DPD and provide the results to both departments or may pay SPU for the cost doing so. If SMP elects to pay SPU, the cost to SMP shall not exceed $35,000 per year for four years payable at the time this Plan is accepted. Monitoring should take place during the period when juvenile salmon, especially Chinook salmon are expected to use the site and shall be a replicate of the baseline monitoring that SPU has funded entitled Memorandum of Agreement Between the City of Seattle and the University of Washington for Salmon Bay Natural Area Aquatic Monitoring SPU Agreement No. DA2004-01.

SMP's agreement with Seattle Public Utilities shall provide that the funding provided by SMP shall revert to SMP in the event that construction of the Project does not commence within three years of this authorization. SMP shall thereafter within six months develop an alternative compensatory mitigation plan with monitoring that provides sufficient aquatic benefits to fully offset the temporary and permanent effects of the Ballard and Duwamish Crossings. SMP shall seek the approval of the relevant state and federal fishery and water quality agencies, and DPD, and shall proceed with implementation upon receipt of all necessary approvals and authorizations.

CONDITIONS – SEPA

Prior to the issuance of a building or grading permit

1. The applicant shall prepare a Construction Management Plan to address mitigation of impacts resulting from all construction activities at this site. The Plan shall include a discussion of management of construction related noise arising from all associated impacts, including noise produced from over water work, noise and transportation impacts associated with hauling of materials and movement of any spoils, parking locations needed to accommodate worker parking, efforts to mitigate noise impacts and community outreach efforts concerning likely impacts and mitigation efforts. The Plan must also address impacts related to all operations associated with the Port of Seattle's Harbor Island facilities, including impacts to the following:

a) East Marginal Way Grade separation project
b) Access between Spokane Street Viaduct, surface Spokane Street and Harbor Island
c) Minimizing lane closures on the East Duwamish Waterway bridge
d) Impact on Level of Service on surface Spokane Street due to detour traffic from WSB
e) Emergency access to Terminal 102
f) Railroad access to Harbor Island
g) Location of all temporary or permanent structures as they relate to access to and from Harbor Island activities
h) Impacts on marine traffic
i) Impacts to public access areas within the immediate construction area

2. The project is conditioned under SMC 25.05.675P to develop design details that provide additional visual interest along the portions of the WSB Crossing visible from the existing WSB. This condition may be fulfilled through review by the City's Design Commission, City of Seattle Monorail Review Panel or other successor body empanelled under SMC 23.80 or 23.41.004.

3. The applicants shall incorporate into the Construction Management Plan elements of the Stormwater Pollution Prevention Plan (SWPPP) to address best management practices to minimize pollutant loading in sediment at the Ship Canal that is associated with construction activity. Additionally, SMP is required to meet water quality and sediment quality standards, as is required in the NPDES permit referenced above.

During construction

1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify DPD (Michael Jenkins, 206-615-1331) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP).

- Follow the procedures outlined in Appendix A of DR 2-98 for assessment and/or protection of potentially significant archeological resources.

- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Signature: (signature on file) Date: August 12, 2004
Michael L Jenkins, Land Use Planner
Department of Planning and Development
Land Use Services

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